IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 484 OF 2003.

Shri Balkrishna G. Shetty,
resident of Shantinagar,
Ponda, Goa. Petitioner.

VERSUS

Ponda Municipal Council,
Through its Chief Officer,
having its Office at
Ponda, Goa. ... Respondent.

Mr. S.S. Kantak, Advocate for the Petitioner.

Mr. N.N. Sardessai, Advocate for the Respondent.

CORAM: V. G. PALSHIKAR, J.

DATE: 10TH OCTOBER, 2003.

ORAL JUDGMENT:

This petition can be conveniently disposed of by directing restoration of the Suit dismissed under Order 17, Rule 1 of C.P.C., as it is necessary to do so in the interest of justice. The learned Trial Judge, taking a very strict view of the provisions of Order 17, Rule 1 of C.P.C. has dismissed the suit itself, wherein the application for production of documents would have been rejected and the Suit would have been listed for evidence. The adjournment would be a consequence of order granting or rejecting production of documents. The Suit is accordingly restored.

Interim Orders, if any, are vacated. Interim order passed by the learned Trial Judge in the Suit is also consequently revived.

No order as to costs.

V. G. PALSHIKAR, J.

sl.